

Notice of Allowability

Application No.

09/599,675

Examiner

LaShonda T. Jacobs

Applicant(s)

HERRMANN MARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on September 10, 2007.
2. ☒ The allowed claim(s) is/are 25-32, 39-41, 43-50, 52-56, 60 and 62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

LaShonda T. Jacobs

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Psysher (Reg. No. 40,780) on September 21, 2007.

IN THE CLAIMS

Please amend claims 25-27, 39-41, 43, 46-50, 52, 54-56, 60 and 62.

25. (Currently Amended) A system comprising:

a server communicatively coupled to a client device and configured to communicate content to the client device for display to a user, wherein the content includes information relating to an interactive activity and information relating to an advertisement, the interactive activity being encompassed by a first form that is separate from a second form that encompasses the advertisement, the first form including an input area for providing an input for use in obtaining additional information relating to the advertisement, the first form being configured so that user interaction with the interactive activity triggers a web browser to capture information from the input area; and

one or more software modules executing in an operating environment provided by the server and configured (a) to receive the input from the client device in response to the ~~user's~~ user

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information, the first form being configured so that user interaction with the interactive activity triggers a web browser to capture information from the input area;

during the display of the user interface, receiving from a computer associated with the user a first signal via the input area indicating an interest in receiving additional information related to the advertising information; and

causing said additional information related to the advertising information to be provided to the computer associated with the user in response to the first signal, without interfering with the user's ability to participate in the interactive activity;

wherein the first signal is received in response to the user's interaction with the interactive activity.

40. (Currently Amended) The method of claim 39 wherein the interactive activity is comprises a game;[[,]] and

wherein the advertising information is displayed during the game, the first signal is received from the computer associated with the user during the game, and ~~said~~ the additional information is provided to the user without interrupting the game.

41. (Currently Amended) The method of claim 39, wherein the user interface is provided by ~~a client~~ the computer associated with the user, the computer being connected over a network to a server computer.

43. (Currently Amended) The method of claim 39, wherein causing said additional information to be provided to the computer associated with the user includes causing an electronic mail message to be sent to the user.

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interaction with the interactive activity, ~~said~~ the input being received including, in a single transmission, along with information relating to ~~the user's~~ user participation in the interactive activity and ~~a request from the user to receive additional information relating to the advertisement~~, and (b) after receiving ~~said~~ the input, to provide to the user additional information relating to the advertisement and to communicate content to the client relating to the interactive activity.

26. (Currently Amended) The system of claim 25, further comprising a registration database to store user information.

27. (Currently Amended) The system of claim 25, further comprising ~~[[a]]~~ the web browser executing in an operating environment provided by the client device, wherein the web browser is configured to ~~receive a request from~~ display the interactive activity to the user ~~the user to receive additional information relating to the advertisement~~.

39. (Currently Amended) A method comprising:

~~displaying~~ causing display of a user interface ~~on a display permitting to permit~~ a user to participate in an interactive activity;

during ~~the~~ display of the user interface, ~~displaying~~ causing display of advertising information on the user interface ~~same display~~ without interfering with the user's ability to participate in the interactive activity, the interactive activity being separate from the advertising information;

wherein the interactive activity is encompassed by a first form and the advertising information is encompassed by a second form, the first form including an input area for providing an input for use in obtaining additional information relating to the advertising

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46. (Currently Amended) The method of claim 45, wherein causing the said additional information related to the advertising information to be provided to the computer associated with the user in response to the first signal, without interrupting the user's ability to participate in the interactive activity, includes causing registration information for the user to be retrieved.

47. (Currently Amended) The method of claim 39, wherein causing the said additional information related to the advertising information to be provided to the computer associated with the user in response to the first signal, without interrupting the user's ability to participate in the interactive activity, includes capturing an email address of the user.

48. (Currently Amended) A software product stored on a computer readable medium having instructions for causing a computer to:

cause display of a user interface ~~on a display permitting to permit~~ a user to participate in an interactive activity;

during ~~the display~~ of the user interface, cause display of advertising information on the ~~same display~~ user interface without interfering with the user's ability to participate in the interactive activity, the interactive activity being separate from the advertising information;

wherein the interactive activity is encompassed by a first form and the advertising information is encompassed by a second form, the first form including an input area for providing an input for use in obtaining additional information relating to the advertising information, the first form being configured so that user interaction with the interactive activity triggers a web browser to capture information from the input area;

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during the display of the user interface, receive from a computer associated with the user a first signal indicating an interest in receiving additional information related to the advertising information; and

cause said additional information related to the advertising information to be provided to the computer associated with the user in response to the first signal, without interfering with the user's ability to participate in the interactive activity;

wherein the first signal is received in response to the user's interaction with the interactive activity.

49. (Currently Amended) The software product of claim 48 wherein the interactive activity is comprises a game;[[,]] and

wherein the advertising information is displayed during the game, the first signal is received from the computer associated with the user during the game, and ~~said~~ the additional information is provided to the user without interrupting the game.

50. (Currently Amended) The software product of claim 48, wherein the user interface is provided by a client the computer associated with the user, the computer associated with the user being connected over a network to a server computer.

52. (Currently Amended) The software product of claim 48, wherein instructions for causing a computer to cause said additional information to be provided to the computer associated with the user includes instructions for causing ~~a computer to cause~~ an electronic mail message to be sent to the user.

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54. (Currently Amended) The software product of claim 48, further comprising ~~including~~ instructions for causing a computer to register the user prior to displaying the user interface.

55. (Currently Amended) The software product of claim 54, wherein instructions for causing a computer to cause ~~said~~ the additional information related to the advertising information to be provided to the computer associated with the user in response to the signal, without interrupting the user's ability to participate in the interactive activity, ~~includes~~ comprises instructions for causing a computer to cause registration information for the user to be retrieved.

56. (Currently Amended) The method of claim 48, wherein instructions for causing a computer to cause ~~said~~ the additional information related to the advertising information to be provided to the computer associated with the user in response to the signal, without interrupting the user's ability to participate in the interactive activity, ~~includes~~ comprises instructions for causing the computer to capture an email address of the user.

60. (Currently Amended) A method comprising:
displaying information about an interactive activity to a user on a display associated with a client computer;

receiving at the client computer a request for advertising information and information related to the user's participation in the interactive activity, ~~[[,]]~~ the interactive activity being encompassed by a first form that is separate from a second form that encompasses the advertising information, the first form including an input area for providing an input for use in ~~requesting the~~ receiving the request for advertising information, the first form being configured

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so that user interaction with the interactive activity triggers a web browser to capture information from the input area; and

simultaneously transmitting to a server the user's request for advertising information from the input area and the information related to the user's participation in the interactive activity, wherein transmitting is performed in response to the user's interaction with the interactive activity; and

receiving the advertising information at the client computer without interfering with the user's ability to participate in the interactive activity.

62. (Currently Amended) A system comprising:

means for ~~displaying~~ causing display of a user interface ~~on a display permitting to permit~~ a user to participate in an interactive activity;

means for, during ~~the display of the user interface,~~ displaying causing display of advertising information on the ~~same display~~ user interface without interfering with the user's ability to participate in the interactive activity, the interactive activity being separate from the advertising information;

wherein the interactive activity is encompassed by a first form and the advertising information is encompassed by a second form, the first form including an input area for providing an input for use in obtaining additional information relating to the advertising information, the first form being configured so that user interaction with the interactive activity triggers a web browser to capture information from the input area;

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means for, during ~~the~~ display of the user interface, receiving from a computer associated with the user a first signal indicating an interest in receiving additional information related to the advertising information; and

means for causing said additional information related to the advertising information to be provided to the computer associated with the user in response to the first signal; without interfering with the user's ability to participate in the interactive activity;

wherein the first signal is received in response to the user's interaction with the interactive activity.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the most closest prior art of record (Goldberg et al., U.S. Pat. No. 5,823,879 and Sgaralino et al., U.S. Pub. No. 2003/0229893) does not teach nor suggest wherein the interactive activity is encompassed by a first form and the advertising information is encompassed by a second form, the first form including an input area for providing an input for use in obtaining additional information relating to the advertising information, the first form being configured so that user interaction with the interactive activity triggers a web browser to capture information from the input area in combination with the elements of the independent claims as argued by the Applicants (see remarks on May 3, 2006, pages 11-15; remarks on January 4, 2007, pages 11-15; remarks on August 10, 2007, pages 12-14 and pages 5-8 of Applicants enabling portions of the specification). So as indicated by the above statements, Applicants' arguments have been

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considered persuasive, in light of the claim limitations as well as the enabling portions of the specification.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Claims **25-32, 39-41, 43-50, 52-56, 60 and 62** are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
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ltj
September 30, 2007

A handwritten signature in cursive script that reads "LaShonda Jacobs". The signature is written in black ink and is positioned to the right of the typed name and title.